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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
v. : CRIMINAL NO. 1:CR-95-163  
ROBERTA RONIQUÉ BELL, :  
Defendant :

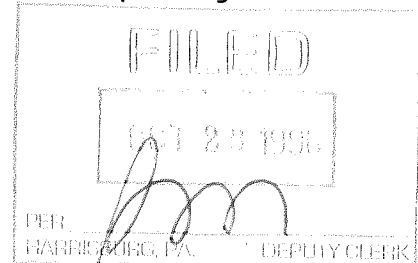
TRANSCRIPT OF PROCEEDINGS

SENTENCING

Before: Hon. William W. Caldwell, Judge

Date: September 30, 1996

Place: Courtroom No. 2  
Federal Building  
Harrisburg, Pa.



COUNSEL PRESENT:

GORDON A.D. ZUBROD, Assistant U.S. Attorney

For - Government

RICHARD K. RENN, Esquire

For - Defendant

Monica L. Zamiska, RPR  
Official Court Reporter

1 MR. ZUBROD: May it please the Court, we are here in  
2 the case of the United States of America v. Roberta Ronique  
3 Bell. Miss Bell was convicted I believe on January 19, 1996  
4 of various counts related to the murder of Doreen Proctor.  
5 The presentence investigation has been completed, been  
6 reviewed by counsel. I don't believe that there are any  
7 outstanding objections at this time. At this time the United  
8 States moves for sentencing.

9 THE COURT: Okay. Mr. Renn, are there any  
10 objections to the pre-sentence report?

11 MR. RENN: Well, there are, Your Honor. There  
12 aren't any outstanding -- I don't believe there are any  
13 outstanding factual disputes, but we did raise several legal  
14 arguments with respect to the pre-sentence report, and I can  
15 address those briefly.

16 THE COURT: All right, let's do that.

17 MR. RENN: For our purposes there are two main  
18 objections which we raised in a correspondence of June 7.  
19 First is that the pre-sentence report attempts to assign to  
20 the base offense level that which -- that offense level which  
21 is consistent with murder in the first degree. And if the  
22 Court has a copy of our letter, we are at the bottom of the  
23 page 2, top of page 3 on the objections, the evidence that was  
24 established at the trial does not necessarily indicate that it  
25 was Roberta Bell's plan to kill Doreen Proctor. As the Court

1 well knows, Roberta was involved in very little of the  
2 pre-event planning, if you will. While the government has  
3 attempted to prove that she went out of the state to try to  
4 bring in out of state witnesses to commit the murder and  
5 things of that nature, the government never really established  
6 that, in fact the jury acquitted her of the count of traveling  
7 or murder for hire, traveling in interstate commerce bringing  
8 someone back for purposes of doing that.

9 None of the government's witnesses indicated that  
10 she was around the night that the gun was obtained by Willie  
11 and I believe David Tyler and cocked and various individuals  
12 were shown how to use it.

13 And most telling that there were other things going  
14 on that Roberta did not know about was the government's list  
15 of phone calls made to and from Mary Jane Hodge's home on the  
16 night that the incident happened. You'll recall that various  
17 witnesses testified as to maybe one, two or three phone calls,  
18 when in fact there were a whole series of phone calls that  
19 took place to and from her particular residence.

20 What the evidence does establish, and again we have  
21 to accept as true, the government's evidence as presented in  
22 light of the jury's verdict, is that Roberta at best went to  
23 try to intimidate or scare Doreen Proctor. All of the  
24 government's witnesses, including the statements made by the  
25 witnesses that were most damaging to Roberta at her trial,



1 indicated that while Roberta fired one shot, it was not the  
2 shot that killed her, and Willie Tyler in fact fired the shot  
3 that killed Doreen Proctor.

4 We believe under all the circumstances that the  
5 government at best has proven murder in the second degree, and  
6 we believe that that is the offense guideline that should be  
7 assigned as the starting point in analyzing anything under the  
8 sentencing guidelines and believe that that level would result  
9 in a level of 33.

10 Our second issue is the probation department failed  
11 to identify a grounds for departure. We believe that and at  
12 this point we have asked the Court to take judicial notice of  
13 the pretrial services report that was submitted over a year  
14 ago in this particular case, which essentially sets out the  
15 same thing that we submitted in our two letters on behalf of  
16 Roberta Bell by her employers which she -- by whom she was  
17 employed after she was acquitted of the Adams County case. At  
18 that point her life settled down. She was off of drugs. She  
19 was supporting her two children, working several jobs at that  
20 point. We believe that she made a substantial and significant  
21 turn around in her life at that time after her acquittal in  
22 Adams County and in fact led a law-abiding life up to the time  
23 she was arrested on these charges which was sometime after her  
24 release in Adams County.

25 We believe that that factor alone is sufficient to



1 warrant the Court to depart downward from the sentence which  
2 the probation department believes which is appropriate, which  
3 is a life sentence, to something less than that. Obviously  
4 whatever that is is up to the discretion of the Court, but we  
5 believe that that factor alone is not something that was taken  
6 into account by the Sentencing Commission and it is something  
7 that should be taken into account by this Court.

8 THE COURT: Okay, didn't the evidence establish that  
9 Miss Bell drove the victim to the point where she was killed?

10 MR. RENN: If that's believed, yes, it did establish  
11 that. However, again whether or not she knew that she was  
12 going to be killed at that point is crucial because obviously  
13 if she thought -- if she thought she was driving the witness  
14 there simply to scare her, to prevent her from testifying the  
15 following day, that's one thing, but there is no evidence that  
16 Roberta Bell knew that she was driving this witness to her  
17 ultimate demise.

18 THE COURT: I didn't review the transcript of the  
19 trial, and I don't know whether you have or not. Did Miss  
20 Bell testify about the fact that she went to the scene of the  
21 killing?

22 MR. RENN: She did not. She denied that, Your  
23 Honor.

24 THE COURT: That's what I thought.

25 MR. RENN: That's correct.



1 THE COURT: She denied being in the residence?

2 MR. RENN: That's correct.

3 THE COURT: That was according to my notes.

4 All right, Mr. Zubrod, what is your response to,  
5 first of all, the presentence report does assign an offense  
6 level that would be consistent with murder in the first  
7 degree, which, as we know in Pennsylvania, would be a killing  
8 with malice, intentional killing with malice.

9 MR. ZUBROD: We point to both the act, the evidence  
10 of the act and evidence of the intent. The evidence before  
11 the Court is that the victim took a loaded sawed-off shotgun,  
12 pointed it at the victim's chest at point blank range and  
13 pulled the trigger blowing her breast off. The logical  
14 inference, the clear consequences of such an act is death.  
15 When she went to the car and removed the shotgun from it, she  
16 had an intent to terminate her life. This was a premeditated  
17 killing.

18 The intent goes beyond the actual scene where this  
19 woman was murdered. As you recall, earlier in the evening the  
20 evidence is that the defendant went to Mary Jane Hodge's  
21 apartment, and she stated that she had gotten into the  
22 victim's apartment and said I could have killed her then but  
23 her daughter was present, and I would have had to have killed  
24 the daughter also.

25 Mary Jane Hodge warned her when she was driving the

1 victim to her death, she said make sure she doesn't get near a  
2 phone, and the answer was I'm not a fool, she's not going to  
3 get near a phone. Don't worry about it.

4 All of these facts unite to show that there was an  
5 intent before the defendant got in the car with the victim  
6 that the victim was not going to survive that night and that a  
7 main architect of her death was the defendant Ronique Bell.

8 Secondly, the evidence shows both at a trial and  
9 subsequently that Ronique Bell was a chameleon, that she  
10 changes faces., That she puts on different faces to suit  
11 different needs. This is the same woman who managed to stand  
12 out in front of Doreen Proctor's apartment weeping and crying  
13 that she wouldn't be able to get home to her children, playing  
14 upon her compassion so that she could get into the apartment  
15 and ultimately lure the victim to her death.

16 The fact that she stands before the Court and points  
17 to some changed behavior is not worthy of belief in my view.

18 Secondly, even if that were true, the changed  
19 behavior does not mitigate or take away from the seriousness  
20 of the offense. This is an offense of a grave nature, and for  
21 the Court to say that subsequent changed behavior is grounds  
22 for a departure would unnecessarily in an unwarranted way  
23 mitigate the seriousness of the offense.

24 THE COURT: Okay. Well, this is a difficult case,  
25 of course, for all concerned. I would like to make notes



1 about the objections that have been raised. I would like to  
2 review my notes for a few minutes. We're going to take a 15  
3 minute recess at this point so I may do so. Please recess.

4 (A recess began at 11:10 a.m. and the case continued  
5 at 11:25 a.m.)

6 THE COURT: I appreciate, Mr. Renn, the presentation  
7 that you have made, and it was, of course, in line with the  
8 objections that you had previously communicated to the  
9 probation department. And I have had some opportunity prior  
10 to this morning to consider those objections, and having heard  
11 your presentation and the opposition by Mr. Zubrod, I am at  
12 this point prepared to render a decision on those objections.

13 Insofar as a departure under 5K2.0 is concerned for  
14 the alleged mitigating role in the offense here, I find no  
15 authority for the proposition that a person who has been  
16 convicted of killing another person can by subsequent conduct  
17 change the nature of the act committed. So in the first  
18 instance I think it's necessary for the Court to determine if  
19 this was a premeditated killing under 2A1.1 of the guidelines.  
20 If it was, then I think the penalties for that offense must be  
21 imposed. If the killing did not involve premeditation, then  
22 the guideline for second-degree murder under 2A1.2 applies.  
23 However, in this event I also conclude that there is no  
24 recognizable basis in a case such as this to depart downward  
25 from the guideline range. I don't think that subsequent



1 conduct can change that in a case involving murder.

2 So the first thing to be determined I think is  
3 whether the government has shown that this was a premeditated  
4 killing or not, and I want to emphasize that we are dealing  
5 under the guidelines with a preponderance of evidence test in  
6 this case. It does not require proof beyond a reasonable  
7 doubt such as the conviction did.

8 I think, of course, the defendant's state of mind as  
9 revealed by the evidence is what we have to look at along with  
10 the degree of risk to the victim that was inherent in the  
11 conduct which -- in which she engaged as well as the nature of  
12 the underlying offense conduct.

13 What I have done is reviewed the evidence in this  
14 case to determine whether this was a premeditated killing;  
15 that is, whether the defendant intended and set out to cause  
16 the death of Doreen Proctor. First of all, we begin with the  
17 fact that Doreen Proctor had testified at a preliminary  
18 hearing against the defendant's boyfriend at that time, David  
19 Tyler, and, of course, she was scheduled to testify at his  
20 trial later in the day on the day she died. The evidence also  
21 included testimony by "Butch" Evans that about two weeks  
22 before this killing the defendant told him that someone was  
23 coming from Illinois quote, "to take care of the bitch in  
24 Carlisle" unquote. The weekend before the killing, according  
25 to a witness by the name of Romero, she was asked to get a gun

1 by the defendant to quote, "take care of another woman". The  
2 defendant was seen with the Tylers and the Kings on the same  
3 night that Mary Jane Hodge heard them indicating that the  
4 quote, "bitch has to die tonight," I believe was the  
5 testimony.

6 As Mr. Zubrod pointed out, the defendant also told  
7 Mary Jane Hodge she could have killed the victim earlier in  
8 the day but that her daughter was present in the apartment and  
9 that she would have had to kill her as well.

10 Miss Hodge also testified that the defendant said  
11 she lured Proctor from the apartment with a promise of  
12 cocaine. And Antonia Hamilla, I believe it was, saw the  
13 defendant and the victim in front of that apartment about 1:50  
14 a.m. on the morning of the killing.

15 Hodge further testified about the phone call that  
16 she had with Miss Bell, that the victim was in the car and  
17 that she should not let her get to a telephone.

18 After the state trial in Adams County there was  
19 testimony from various witnesses in this trial that -- who  
20 testified that the defendant told them about her role in this  
21 offense. Paula Thomas said that she said that the defendant  
22 said I shot her, then Willie shot her. Kim Staub I think  
23 testified that the defendant said, yes, I killed her. Laura  
24 Mae Barrett testified that the defendant told her I shot her  
25 but Willie killed her. Robin Romero testified that -- to the



1 same thing basically, that the defendant had shot her and that  
2 Willie Tyler shot her in the head. And Yvonne Earhart, I  
3 believe it was, testified that the defendant said we killed a  
4 drug informant in Carlisle who was going to testify against my  
5 boyfriend. Those statements were all made at the point at  
6 which the defendant had been acquitted of this offense in  
7 Adams County and I think felt that she was home free.

8 It is my conclusion that the defendant was an active  
9 participant in the killing of Doreen Proctor and intentionally  
10 fired a sawed-off shotgun at her body at point blank range  
11 intending to kill her. This can only mean one thing, and that  
12 is that it was the clear intent of both Bell and Tyler to kill  
13 Doreen Proctor.

14 The fact that Miss Bell -- that Miss Proctor rather  
15 or Miss -- yes, Doreen Proctor. The fact that Miss Proctor  
16 did not die directly or at the moment from the defendant's  
17 attempt to kill her does not in any way mitigate her role with  
18 Willie Tyler in causing the victim's death. So that the  
19 penalty for first-degree murder in a killing with  
20 premeditation in my view is what we are dealing with here.

21 Mr. Renn, do you have anything further to say on  
22 behalf of your client before sentence is imposed?

23 MR. RENN: No, Your Honor.

24 THE COURT: Miss Bell, you have an opportunity, if  
25 you wish, to speak on any matters that you wish to, including

1 the subject of sentencing. Do you wish to speak?

2 THE DEFENDANT: No, sir.

3 THE COURT: Mr. Zubrod, do you have anything you  
4 wish to say?

5 MR. ZUBROD: Very briefly, Your Honor. As the facts  
6 both at the trial and during the presentence investigation  
7 brought out, as I have previously mentioned, Miss Bell is a  
8 woman of many faces. It would be fair to call her a  
9 chameleon. She has portrayed herself to be a victim of abuse,  
10 a devoted mother, a hard working employee. At the same time  
11 the evidence has shown her to be a cold-blooded killer. She  
12 went around bragging about how she had blown off the victim's  
13 chest. You heard the testimony of Dr. Mihalakis who said  
14 there is only one purpose for the wounds which were inflicted  
15 prior to her death, that was the infliction of excruciating  
16 pain. This victim was tortured to death, and this woman was a  
17 part of it and a willingly participated in it.

18 She is a cynic manipulator of people's emotions, not  
19 just the victim's, but let's talk about the victim. She was  
20 weeping, playing upon her sense of -- the victim's sense of  
21 compassion to get inside the house where she said I could have  
22 killed her right then. She talked about the need to get a  
23 ride home to her children and manipulated the very sense of  
24 compassion of her victim to place her in a position where she  
25 could kill her.



1           The evidence in this case is absolutely unequivocal  
2     that Ronique Bell was a key player in the events leading up to  
3     the planning of Doreen Proctor's murder. She was a willing  
4     participant. She bragged to individuals. She orchestrated  
5     the obstruction of justice which took place after the murder  
6     of Doreen Proctor. As a result, a young woman is dead. A  
7     child is without a mother, and that child, by the way, is  
8     mentally retarded. A witness was destroyed and murdered.  
9     This was a cold premeditated and vicious act. It calls for  
10    the most serious sanction which can be imposed by law, and we  
11    ask for the maximum sentence in this case.

12           THE COURT: Thank you.

13           Pursuant to the Sentencing Reform Act of 1984 it is  
14    the judgment of the Court that the defendant Roberta Ronique  
15    Bell is hereby committed to the custody of the Bureau of  
16    Prisons to be imprisoned for life. This term consists of  
17    terms of 5 years on count 1, a term of life on count 3 and a  
18    term of 10 years on count 4. These terms to be served  
19    concurrently. It is further ordered on count 5 that the  
20    defendant serve a term of 10 years consecutive to the term  
21    imposed on count 3.

22           The Court finds that the defendant will have the  
23    ability to pay a fine during the period of incarceration.  
24    Accordingly we order that she pay the United States the sum of  
25    \$10,200, consisting of a fine of \$10,000 on count 1 and

1 special assessments of \$50 on each count. Said sums shall be  
2 paid through the Clerk of Court here in Harrisburg.

3 Miss Bell, I must advise you of your right to appeal  
4 your sentence to the United States Court of Appeals. If you  
5 are unable to pay the costs of an appeal, then you may apply  
6 for leave to appeal in forma pauperis, and if approved,  
7 counsel will be appointed for you, and you will not be  
8 required to pay any costs. Any appeal must be filed within 10  
9 days of today's date. Miss Bell, do you understand that right  
10 of appeal?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. I think that's all. Thank  
13 you. We'll adjourn at this time.

14 (The proceedings concluded.)

15 I hereby certify that the proceedings and evidence  
16 of the court are contained fully and accurately in the notes  
17 taken by me on the sentencing of the within cause, and that  
18 this is a correct transcript of the same.

19 Monica L. Zamuska

20 Official Court Reporter  
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